IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 161 OF 2004

in

APPEAL NO. 892 OF 2003

AND

APPEAL NO. 894 OF 2003

IN

SUMMARY SUIT NO. 1851 OF 1990

Canara Bank, Mazgaon Branch. ... Appellants
(Orig. Plaintiffs)

Versus

Shah Engineers & Ors. ... Respondents
(Orig. Defendants)

Mr.Sanjeev Kanchan i/b. M/s. Sanjeev Kanchan & Co. for the appellants.

CORAM: D.K.DESHMUKH &
J.H.BHATIA,JJ.
DATE : 13th August, 2007.

P.C.

1. Though there is delay in filing the appeal and from the record we find that the appeal has already been

dismissed for non-removal of office objections, we heard learned Counsel appearing for the appellants.

2. By the impugned order, the suit has been dismissed for not taking out Summons for Judgment in a summary suit for a period of 13 years, while the requirement of rule is that the Summons for Judgment has to be taken out within a period of six months. We find no illegality in the order.

The Motion and the Appeal are disposed of.

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(D.K.DESHMUKH,J.)

(J.H.BHATIA,J.)